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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,315	10/01/2004	Rolf-Dieter Pavlik	2002P03969WOUS	4839
7590 05/18/2007 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER LI, GUANG W	
			ART UNIT 2109	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,315

Applicant(s)

PAVLIK ET AL.

Examiner

Guang Li

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/01/2004, 02/27/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Abstract

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: In Figure 5, element 90 and 92. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11, 28 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claims 11, 28 and 29, the phrase "real-time communication level of a real-time Ethernet" is vague and indefinite because it is unclear what is the real-time communication level of a real-time Ethernet. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 11-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Modeste et al. (US 2003/0056012 A1).

7. Regarding claim 11, Modeste teaches a web server (Web server in "devices in the home through the internet using a dot.com web server that allows access to the home place web page" see abstract; Fig. 2A element 140) comprising software modules

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(software platform for implementing the system see FIG.2A element 30; FIG.2B; Page 8 ¶[0084] lines 1-2) having at least (at least one of devices connected to web server like digital utility meters and smart appliances and server facilities see ¶[0003] lines 8-10) a first software module comprises a first mechanism for implementing an automation functionality (home automation functionalities that obtain with respect to the home and its install devices see Page 1 ¶[0006] lines 1-4; Page 8 ¶[0079] lines 1-2) and a second mechanism to directly access the real-time (home systems access through the Internet 24 ours a day through communication with different server facilities on the World Wide Web see page1 ¶[0003] lines 5-7) communication level of a real-time Ethernet (communication link between the element 20 to element 30 see FIG.1).

8. Regarding claim 29, Modeste teaches an automation system (home automation system in "The present invention affords enhanced home automation functionality over prior art systems by providing for the convergence of home automation" see page 1 ¶[0003] lines 1-8) comprising a web server (Web server in "devices in the home through the internet using a dot.com web server that allows access to the home place web page" see abstract; Fig 2A element 140), wherein at least (at least one of devices connected to web server like digital utility meters and smart appliances and server facilities see ¶[0003] lines 8-10) a first software module (software platform for implementing the system see FIG.2A element 30; FIG.2B; " Page 8 ¶[0084] lines 1-2) comprises a first mechanism for implementing an automation functionality (home automation functionalities that obtain with respect to the home and its install devices see Page 1 ¶[0006] lines 1-4; Page 8 ¶[0079] lines 1-2) and a second mechanism to

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directly access the real-time (home systems access through the Internet 24 ours a day through communication with different server facilities on the World Wide Web see page1 ¶[0003] lines 5-7) communication level of a real-time Ethernet (communication link between the element 20 to element 30 see FIG.1).

9. Regarding claim 30, Modeste teaches a computer program product (system utilizes the connection between the internet and a user's home via a website see page 1 ¶[0004] lines 1-4) comprising a web server (Web server in "devices in the home through the internet using a dot.com web server that allows access to the home place web page" see abstract; Fig 2A element 140) comprising software modules (software platform for implementing the system see FIG.2A element 30; FIG.2B; " Page 8 ¶[0084] lines 1-2), wherein a first software module comprises a first mechanism for implementing an automation functionality (home automation functionalities that obtain with respect to the home and its install devices see Page 1 ¶[0006] lines 1-4; Page 8 ¶[0079] lines 1-2) and a second mechanism to directly access the real-time (home systems access through the Internet 24 ours a day through communication with different server facilities on the World Wide Web see page1 ¶[0003] lines 5-7) communication level of a real-time Ethernet (communication link between the element 20 to element 30 see FIG.1). Regarding claim 12, Modeste discloses the web server according to claim 11, wherein the web server comprises a connection (connections between the Internet and the C-gateway server see FIG2A; FIG2B) to a communications network (The gateway connection interfaces the internet connection to

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a supervisory home automation controller and a home pc" see FIG.1 element 94; page 1 ¶[0004] lines 4-7).

10. Regarding claim 13, Modeste discloses the web server according to claim 12, wherein the communications network is the Internet (computer network and home systems access through the Internet see page 1 ¶[0004] lines 4-7).

11. Regarding claims 14 and 15, Modeste discloses the web server, wherein Internet protocols (communication protocols permit communication between the devices and server facilities accessible on the Internet see page 1 ¶[0004] lines 13-15) are provided for communication (communication between the installed devices and a web and an emulator within the gateway see abstract lines 8-11) between the software modules (software platform for implementing the system see FIG.2A element 30; FIG.2B; " Page 8 ¶[0084] lines 1-2) and for communication between the software modules and components outside the web server (server facility provide communication between a net device and server see page 1 ¶[0005] lines 3-7).

12. Regarding claim(s) 16-18, Modeste discloses the web server is adapted for configuration (The timing between heartbeat packets is determined by configuration data in the gateway see page 5 ¶[0056] lines 3-4) and administration (website provides authentication and access to the local webpage where all the information about the devices see page 2 ¶[0035] lines 7-10) the software modules.

13. Regarding claims 19-22, Modeste discloses the web server, wherein the first software module comprises a connection (connections between the C-gateway server and Networked Home PC1 or 2 see FIG1) to an industrial (The term "home" implies to

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not only to residential house structure also applied to Commercial facility see page 2

¶[0034] lines 24-28) automation system (home automation system in “The present invention affords enhanced home automation functionality over prior art systems by providing for the convergence of home automation” see page1 ¶[0003] lines 1-8).

14. Regarding claims 23, Modeste discloses according to claim 11, wherein the web server comprises a connection (connections between the Internet and the C-gateway server see FIG2A; FIG2B) to the Internet (computer network and home systems access through the Internet see page 1 ¶[0004] lines 4-7) via a firewall (Firewall, authentication and access see FIG.4; page 3 ¶[0041] line 8).

15. Regarding claims 24-26, Modeste discloses the web server is connected via a communication network (The gateway connection interfaces the internet connection to a supervisory home automation controller and a home pc” see FIG.1 element 94; page 1 ¶[0004] lines 4-7) to a web browser (web communicator see FIG 2B element 34; page1 ¶[0003] lines 15-17) as a control (gateway 30 is the brain of the house that control all the applications program in the house see page 2 ¶[0036] line 5; FIG.1 element 30) and monitoring (LCD display show the status of devices see FIG.10; page 3 ¶[0045] line 21) system.

16. Regarding claims 27 and 28, Modeste discloses the web server comprises a real-time operating system (communicate with the automation function through controller board, which runs the real time operating system page 3 ¶[0045] lines 2-4).

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guang Li whose telephone number is (571) 270-1897. The examiner can normally be reached on Monday-Friday 8:30AM-5:00PM(EST).

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GL



JEFFREY PWU
SUPERVISORY PATENT EXAMINER